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Attorneys for Plaintiffs

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA
SAN JOSE DIVISION

NATIONWIDE BIWEEKLY
ADMINISTRATION, INC., an Ohio
corporation; LOAN PAYMENT
ADMINISTRATION LLC, an Ohio limited
liability company; and DANIEL S. LIPSKY, an
individual;

Plaintiffs,

vs.

JOHN F. HUBANKS, Deputy District Attorney,
Monterey County District Attorney's Office, in
his official capacity; ANDRES H. PEREZ,
Deputy District Attorney, Marin County District
Attorney's Office, in his official capacity;
MONTEREY COUNTY DISTRICT
ATTORNEY'S OFFICE, a County agency; and
MARIN COUNTY DISTRICT ATTORNEY'S
OFFICE, a County agency,

Defendants.

) Case No. 14-cv-04420-LHK

) **JOINT STIPULATION REGARDING**
) **ANSWER TO COMPLAINT AND**
) **BRIEFING SCHEDULE FOR MOTION**
) **FOR PRELIMINARY INJUNCTION**

1 This stipulation is entered by and between plaintiffs Nationwide Biweekly Administration,
 2 Inc., Loan Payment Administration LLC, and Daniel S. Lipsky (collectively, "Nationwide"), on the
 3 one hand, and defendants John F. Hubanks, Andres H. Perez, Monterey County District Attorney's
 4 Office, and Marin County District Attorney's Office (collectively, the "District Attorneys"), on the
 5 other hand, with reference to the following facts:

6 1. On October 2, 2014, Nationwide filed a Complaint for declaratory and injunctive
 7 relief, along with a Motion for Preliminary Injunction. Dkt. ## 1, 5.

8 2. Nationwide contends that on October 3, 2014, it effected service of the complaint
 9 and preliminary injunction motion on all defendants.

10 3. On October 8, 2014, Nationwide filed an amended notice of motion reflecting the
 11 reassignment of this case to the Honorable Lucy H. Koh. Dkt. # 17. Per the Courtroom Deputy,
 12 Nationwide noticed the hearing for January 15, 2015.

13 4. On October 22, 2014, the District Attorneys filed a Joint Motion to Dismiss based
 14 on an alleged insufficiency of process. The District Attorneys noticed the hearing on that motion
 15 for February 5, 2015. Dkt. # 20.

16 5. On October 23, 2014, counsel for Nationwide called counsel for the respective
 17 counties and spoke with counsel for the Monterey County District Attorney's Office and Deputy
 18 District Attorney John F. Hubanks about an alternative schedule for the District Attorneys to file
 19 their Answer to the Complaint, along with any opposition to the Motion for Preliminary Injunction.

20 6. On October 29, 2014, Nationwide's counsel sent a letter to the District Attorneys
 21 memorializing this conversation and proposing a date by which the District Attorneys would have
 22 to file an Answer to the Complaint and an Opposition to the Motion for Preliminary Injunction.

23 7. On October 31, 2014, counsel for the Marin County District Attorneys' Office and
 24 Deputy District Attorney Andres H. Perez called Nationwide's counsel and offered to accept
 25 service of the complaint and withdraw the District Attorneys' motion to dismiss if Nationwide
 26 agreed that the District Attorneys would have until December 30, 2014 to file a response to the
 27 Complaint and an Opposition to Nationwide's Motion for Preliminary Injunction. Nationwide
 28 accepted the proposal.

1 8. On October 31, 2014, Nationwide's counsel emailed the Courtroom Deputy
2 regarding a hearing date. While Nationwide's proposed hearing date was unavailable, the
3 Courtroom Deputy stated that March 5, 2015, was available for the hearing.

4 Now, therefore, it is HEREBY STIPULATED AND AGREED that:

5 1. All defendants hereby accept service of the Complaint and withdraw their Motion to
6 Dismiss (Dkt. # 20) and request that the Court remove the February 5, 2015 hearing date from its
7 calendar.

8 2. Defendants shall have until December 30, 2014, to file a response to the Complaint
9 and an Opposition to Nationwide's Motion for Preliminary Injunction.

10 3. Nationwide shall have until January 22, 2015 to file a Reply in support of its Motion
11 for Preliminary Injunction.

12 4. The hearing on Nationwide's Motion for Preliminary Injunction shall be continued
13 from January 15, 2015, to March 5, 2015.

14
15 **IT IS SO STIPULATED.**

16
17 Dated: October 31, 2014

DAVIS WRIGHT TREMAINE LLP

18
19 By: /s/ Thomas R. Burke
Thomas R. Burke

20 Attorneys for Plaintiffs

21
22 Dated: October 31, 2014

COUNTY COUNSEL, MONTEREY COUNTY

23
24 By: /s/ William Merrill Litt
William Merrill Litt

25 Attorneys for the Monterey County District
26 Attorney's Office and Deputy District
27 Attorney John F. Hubanks
28

1 Dated: October 31, 2014

COUNTY COUNSEL, MARIN COUNTY

2
3 By: /s/ Brian Charles Case
Brian Charles Case

4
5 Attorneys for the Marin County District
6 Attorney's Office and Deputy District
7 Attorney Andres H. Perez

8 **ATTESTATION PURSUANT TO GENERAL ORDER 45**

9 I, Thomas R. Burke, hereby attest that concurrences in the filing of this document have been
10 obtained from each of the signatories.

11
12 By: /s/ Thomas R. Burke
13 Thomas R. Burke

Proof of Service

I, Dee Keegan, declare under penalty of perjury under the laws of the United States of America that the following is true and correct:

I am employed in the City and County of Los Angeles, State of California, in the office of a member of the bar of this court, at whose direction the service was made. I am over the age of eighteen (18) years, and not a party to or interested in the within-entitled action. I am an employee of DAVIS WRIGHT TREMAINE LLP, and my business address is 865 South Figueroa Street, Suite 2400, Los Angeles, California 90017-2566. I caused to be served the following document:

JOINT STIPULATION REGARDING ANSWER TO COMPLAINT AND BRIEFING SCHEDULE FOR MOTION FOR PRELIMINARY INJUNCTION

I caused the above document to be served on each person on the attached list by the following means:

- ☐ I enclosed a true and correct copy of said document in an envelope and placed it for collection and mailing with the United States Post Office on _____ following the ordinary business practice.
(Indicated on the attached address list by an [CM] next to the address.)
- ☒ I enclosed a true and correct copy of said document in an envelope, and placed it for collection and mailing via Federal Express on **October 31, 2014**, for guaranteed delivery on **November 3, 2014**, following the ordinary business practice.
(Indicated on the attached address list by an [FD] next to the address.)
- ☐ I consigned a true and correct copy of said document for facsimile transmission on _____.
(Indicated on the attached address list by an [F] next to the address.)
- ☐ I enclosed a true and correct copy of said document in an envelope, and consigned it for hand delivery on _____.
(Indicated on the attached address list by an [H] next to the address.)
- ☐ A true and correct copy of said document was emailed on _____.
(Indicated on the attached address list by an [E] next to the address.)

I am readily familiar with my firm's practice for collection and processing of correspondence for delivery in the manner indicated above, to wit, that correspondence will be deposited for collection in the above-described manner this same day in the ordinary course of business. Executed on **October 31, 2014**, at Los Angeles, California.

/s/ Dee Keegan

Dee Keegan

Service List

Key:	[M]	Delivery by Mail	[FD]	Delivery by Federal Express	[H]	Delivery by Hand
	[F]	Delivery by Facsimile	[FM]	Delivery by Facsimile and Mail		
	[E]	Delivery by Electronic Mail	[CM]	Delivery by Certified Mail, Return Receipt Requested		

[FD] William Merrill Litt, Esq.
168 W. Alisal Street, 3rd Floor
Salinas, CA 93901

Attorneys for Monterey County
District Attorney's Office and
Deputy District Attorney John F.
Hubanks

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